

# CLAY COUNTY, MINNESOTA

## ORDINANCE NO. 2018-1

### AN ORDINANCE OF THE COUNTY OF CLAY, STATE OF MINNESOTA AMENDING THE CLAY COUNTY LAND DEVELOPMENT ORDINANCE TO ADD A NEW USE TYPE OF STORAGE/STOCKPIILING OF EXTRACTED MATERIALS

**WHEREAS**, the County of Clay, State of Minnesota (“County”) is a statutory County duly organized and existing under Article XII of the Minnesota Constitution; and

**WHEREAS**, pursuant to Minnesota Statute Chapter 394 and specifically § 394.21, the County has the power and authority to conduct and implement planning activities; and

**WHEREAS**, the County hereby finds and determines that the addition of a Zoning Use of “Storage/Stockpiling of Extracted Materials” is appropriate and necessary to the function and efficient operation of the County and to ensure the health, safety, morals, and general welfare of the County.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLAY, STATE OF MINNESOTA HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** The Clay County Development Code is hereby amended as follows:

- a. In Table 5.1 of the Development Code, a new Use of “Storage/Stockpiling of Extracted Materials” will be added within the Commercial and Industrial Use Section as an interim use in the RP-WHP, RP-BIO, RP-AGG, ASC, UED T2, HC, and LHC zoning districts.
- b. The following definition will be added to the Definitions Section of Chapter 8, Clay County Development Code:

EXTRACTIVE MATERIAL: Raw material, including but not limited to: sand, soil, clay, rock, gravel, industrial minerals, other non-metallic minerals, and/or peat; which has been removed from the earth to be used by consumers and is not deemed “Petroleum Contaminated Soil” pursuant to Minnesota Administrative Rules chapter 7037 and not regulated under Minnesota Statutes section 93.44 to 93.51.

**Section 2.** Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

**Section 3.** Effective Date. This Ordinance shall become effective and be in force immediately upon final passage, consistent with Minnesota Statute § 375.51.

**ADOPTED BY THE CLAY COUNTY BOARD OF COMMISSIONERS ON MARCH 27, 2018.**

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JENNY MONGEAU, CLAY COUNTY BOARD OF COMMISSIONERS

ATTEST: 

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BRIAN BERG, CLAY COUNTY ADMINISTRATOR